

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

PORTIA TAYLOR, Individually

Plaintiff

v.

DOLGENCORP OF TEXAS, INC.  
and DG RETAIL LLC

Defendants

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. \_\_\_\_\_

**DEFENDANTS' NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Dolgencorp of Texas, Inc. ("Dolgencorp") and DG Retail, LLC ("DG Retail"), the Defendants herein, respectfully submit the following notice of removal.

**I.**

1. Dolgencorp and DG Retail are Defendants in litigation now pending in the 48th District Court of Tarrant County, Texas, Cause No. 048-329758-21, styled "*Portia Taylor, Individually v. Dolgencorp of Texas, Inc. and DG Retail LLC.*"

**II.**

2. The suit filed against Defendants is a civil action seeking damages for alleged intentional infliction of emotional distress allegedly resulting from an incident that occurred on October 12, 2019, when the Plaintiff's purse was searched as she was leaving the store.

**III.**

3. Both at the time of the filing of Plaintiff's Petition and at the time of the filing of this Notice of Removal, Plaintiff was, is, and continuously has been an individual citizen of the State of Texas with her place of residence in the State of Texas.

4. Both at the time of filing Plaintiff's Petition and at the time of the filing of this Notice of Removal, Defendant Dolgencorp was, is, and continuously has been a corporation organized and existing under the laws of the State of Kentucky and having its principal place of business in the State of Tennessee.

5. Both at the time of filing Plaintiff's Petition and at the time of the filing of this Notice of Removal, Defendant DG Retail was, is, and continuously has been a limited liability corporation organized and existing under the laws of the State of Tennessee and having its principal place of business in the State of Tennessee. DG Retail is a wholly owned subsidiary of Dolgencorp, although it does not own, operate or have anything to do with the operation of the subject Dollar General store in Arlington, Texas. The subject Dollar General store is owned and operated exclusively by Dolgencorp of Texas, Inc.<sup>1</sup>

6. There is, therefore, complete diversity between Plaintiff and Defendants.

#### IV.

7. The amount in controversy in this matter, exclusive of interest and costs, exceeds the sum or value of \$75,000, as evidenced by the allegation in paragraph 2 on page 1 of Plaintiff's Amended Petition, where Plaintiff expressly alleges that she seeks recovery against Defendants for "monetary relief over \$250,000 but not more than \$1 million" for the alleged intentional infliction of emotional distress that allegedly resulted from an incident that is alleged to have occurred on Defendant Dolgencorp's premises on October 12, 2019.

8. In addition, Plaintiff alleges on pages 4-5 of her Amended Petition, numbered paragraph 20, that as a result of the aforesaid incident, she "sustained the following economic and actual damages:

---

<sup>1</sup> DG Retail owns and operates Dollar General stores in a number of states *other than* Texas, including Arizona, Colorado and Illinois. DG Retail does not, however, own or operate or participate in the operation of any Dollar General store in Texas.

- (a) Out-of-pocket expenses.
- (b) Mental anguish.
- (c) Actual value.
- (d) Prejudgment interest.
- (e) Postjudgment interest.
- (g) Attorney's fees."

9. In addition, Plaintiff alleges on page 5 of her Amended Petition, paragraph 21, a claim for exemplary damages, together with a claim for attorney's fees as set forth in paragraph 22.

10. Consequently, Defendants submit that it is apparent from the face of Plaintiff's Amended Petition that the amount in controversy in this case is in excess of \$75,000.

**V.**

11. This Court has jurisdiction and this action is properly removable based upon diversity of citizenship under 28 U.S.C. §1332, et seq. Pursuant to 28 U.S.C. § 1664, Defendants have removed this action to this Court within the time specified by law.

**VI.**

12. Pursuant to Local Rule 81.1, attached hereto are (1) an index of all attached documents, (2) a copy of the Docket Sheet in the State Court action, and (3) all pleadings (excluding discovery material) filed in the State Court action, Cause No. 048-329758-21, in the 48th District Court of Tarrant County, Texas.

**PRAYER FOR RELIEF**

Wherefore, premises considered, Defendants Dolgencorp and DG Retail pray that the action now pending in the 48th District Court of Tarrant County, Texas be removed to this, the United States District Court for the Northern District of Texas, Fort Worth Division.

Respectfully submitted,

BY: 

Michael A. Hummert  
Lead Attorney  
State Bar No. 10272000  
Ignacio Barbero  
State Bar No. 00796162  
EKVALL & BYRNE, LLP  
4450 Sigma Road, Suite 100  
Dallas, Texas 75244  
TELEPHONE (972) 239-0839  
FACSIMILE (972) 960-9517  
mhummert@ekvallbyrne.com  
ibarbero@ekvallbyrne.com

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

On March 25, 2022, I electronically submitted the foregoing document with the clerk of court of the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

  
MICHAEL A. HUMMERT